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Media Relations at FBIHQ and in Field Offices Policy Guide

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Federal Bureau of Investigation

Office of Public Affairs

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Media Relations at FBIHQ and in Field Offices Policy Guide

General Information

Questions or comments pertaining to this policy guide (PG) can be directed to:
Federal Bureau of Investigation Headquarters (FBIHQ), Office of Public Affairs (OPA)
Division point of contact: Division policy officer (DPO), OPA

Supersession Information

This document supersedes Policy Directive (PD) 0509D, *Media Relations at FBIHQ and in Field Offices* [FO] and *Manual of Investigative Operations and Guidelines* [MIOG] Part II Section 12-11.6

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1. Introduction

The requirements for effective media relations have evolved significantly in the twenty-first century due to various factors, including 24/7 news coverage, an expansive cable market, channels dedicated solely to law enforcement programming, social media, Internet sites with original programming and articles, and the growth of opinion-driven, citizen-generated journalism. This changed environment requires intensive public affairs activities by dedicated public affairs specialists and media coordinators (MC), and it requires adaptability in the ways the Federal Bureau of Investigation (FBI) engages media outlets.

1.1. Purpose

As the principal voice of the FBI, the Office of Public Affairs (OPA) works to enhance the public's trust and confidence in the FBI by releasing and promoting information about the FBI's responsibilities, operations, accomplishments, policies, and values. In support of this objective, OPA works to improve public understanding and perceptions of the FBI through liaisons with traditional and nontraditional media. Effective work in media relations and media outreach also supports FBI operational priorities through efforts to mobilize, educate, and protect the public. The public can be a powerful force multiplier for law enforcement, serving as additional eyes and ears on the ground, calling in tips, notifying law enforcement of the location of fugitives or missing persons, and taking steps to protect themselves, their families, and their communities from becoming victims of crime.

1.2. Intended Audience

This policy guide (PG) is intended for OPA employees, MCs in field offices (FO), and all FBI personnel engaged in media relations.

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2. Roles and Responsibilities

2.1. Federal Bureau of Investigation Office of Public Affairs

2.1.1. Assistant Director (AD), Office of Public Affairs

The AD, OPA serves as the FBI's national spokesperson and provides leadership, oversight, and direction for OPA and FBI-wide media relations, community outreach, history, executive speeches, and employee communications functions. The AD must brief and advise the Director and senior executives on a range of public affairs and communication matters, including the current news environment and the impact of their decisions on public opinion, the FBI's public image, and communication to the FBI workforce. The AD must ensure that public affairs matters are closely coordinated with the AD of the Office of Congressional Affairs (OCA) and public affairs executives at the Department of Justice (DOJ), White House, Department of Homeland Security (DHS), Office of the Director of National Intelligence (ODNI), and other agencies. The AD must maintain high-level liaison with news and entertainment industry leaders, executive producers, managing editors, and current and retired FBI executives. The AD must also approve requests for use of the FBI's name, initials, and seal in media whose content has been specifically reviewed and approved by the FBI (e.g., in public service announcements [PSA] and official letters to the editor). (See Corporate Policy Directive (PD) 0625D, FBI Seal Name Initials and Special Agent Gold Badge.)

2.1.2. Section Chief (SC), Media and Investigative Publicity Section, Office of Public Affairs

The SC must manage the FBI-wide media relations and community outreach programs, directly overseeing the National Press Office (NPO), Investigative Publicity and Public Affairs Unit (IPPAU), Executive Writing Unit (EWU), and coordinating various field office and FBI Headquarters (FBIHQ) components that contribute to these programs. The SC must act as a high-level media relations and outreach expert to interact with the national news media, national-level community-based groups, and counterparts in other government agencies (OGA) on a daily basis.

2.1.3. Section Chief, Strategic Communications Section, Office of Public Affairs

The SC has oversight of the OPA units in the Strategic Communications Section, including the FBI.gov and Internet Operations Unit (FIOU), formerly the Online/Print Media Unit, Employee Communications Unit (ECU), Community Relations Unit (CRU), and Executive Staff and Education Center Unit (ESECU). The SC must ensure that OPA's activities support and are aligned with FBI strategic objectives and priority initiatives. The SC must work in coordination with the unit chief (UC) of ESECU on goals, objectives, performance measures, and strategic planning. The SC is responsible for policies, compliance matters, and personnel professional development matters for OPA and the FBI's larger public affairs workforce in FOs and throughout FBIHQ divisions.

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2.1.4. National Press Office

NPO must manage daily relations with the national and international media and ensures timely responses to all media requests, with the exception of requests from monthly publications and nontraditional media outlets, which are handled by IPPAU. (See subsection 2.1.5. of this PG.)

NPO must:

- Coordinate interview requests.
- Draft and issue written press releases and responses.
- Produce analytical and briefing products for executives.
- Produce public affairs guidance (PAG), talking points, questions and answers (Q&A), and other materials to help guide FBI communications on issues in the news.
- Design, recommend, and, upon the approval of the AD, OPA, execute media strategies using print, broadcast, Internet, and social media platforms.
- Provide on-site and remote assistance for major media events involving the FBI.
- Serve as the FBI's external public communication center during a major incident or crisis, managing dissemination of all FBI public information via a number of methods, including, but not limited to, telephone, electronic mail (e-mail), and social media.
- Provide general program management of media relations and provide daily guidance to FOs.
- Coordinate media relations training for key executives and MCs and serve as their point of contact (POC) for the support and coordination of issues pertaining to the media.
- Maintain staff-level liaison contacts with the public affairs offices of DOJ, the White House, DHS, ODNI, and other federal entities.

2.1.5. Investigative Publicity and Public Affairs Unit

IPPAU must oversee and manage publicity efforts that directly support investigations or intelligence activities. IPPAU must manage media relationships with national and international monthly publications and magazines. In addition, IPPAU must connect with media outlets not traditionally handled by NPO, such as authors, publishers, documentary productions, podcasts, and the radio, television, motion picture, and other entertainment industries, including those in foreign languages and those aimed at women, ethnic, religious, industry, and specific age groups.

IPPAU must:

- Coordinate with operational FBIHQ divisions and FOs on national and international investigative publicity matters.
- Approve and coordinate press releases and other public disclosures to solicit public assistance in fugitive, missing person, unknown bank robber, and cold cases.
- Develop national publicity campaigns.

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- Create Wanted posters and other fugitive publicity.
- Manage the Ten Most Wanted Fugitives and the Most Wanted Terrorists programs.
- Manage the "Most Wanted" pages of <www.fbi.gov>.
- Manage the "FBI Most Wanted" Twitter account.
- Manage the Wanted Bank Robbers Web site, a national system for publicizing the FBI's unknown bank robbery suspects.
- Manage the relationships with digital outdoor advertisers.
- Oversee the creation of PSAs.
- Coordinate approval for the recording of live-action FBI operations (also known as media ride-alongs) with appropriate input from the FO, applicable United States Attorney's Office (USAO), and DOJ.
- Coordinate "FBI 101s" (or workshops to educate different segments of the media on FBI jurisdiction and operations) by planning the agenda, coordinating speakers, and producing presentations, talking points, Q&As, fact sheets, and/or other background materials for these workshops, in coordination with subject matter experts (SME).
- Offer briefings and training classes to both traditional and nontraditional media to promote the development of positive feature stories.

2.1.6. FBI.gov and Internet Operations Unit

FIOU is responsible for content, security, compliance, and technical support for <www.fbi.gov>, the Web sites of the FBI's 56 FOs, the FBI's presence on all social media sites (such as Facebook and YouTube), and all other external FBI Web sites, unless they are exempted by FIOU. The unit vets and posts information from all FBIHQ divisions, oversees FO postings, and creates original stories and videos to keep the public informed on FBI news and issues.

2.2. Office of the General Counsel (OGC)

OGC must review all requests for authorized recordings of FBI operations and related activities. OGC must review and approve releases and waivers that any members of the media or production companies ask FBI employees to sign. In addition, OGC must advise OPA on the potential impact of public comment on FBI policies and proposed and pending litigation.

2.3. Individuals in Federal Bureau of Investigation Headquarters Branches and Divisions Outside of the Office of Public Affairs

Individuals in other FBIHQ branches and divisions engaged in public affairs activities such as those in the Criminal Justice Information Services Division (CJIS), Training Division (TD), Laboratory Division (LD), National Security Branch (NSB), do not have the full autonomy afforded to FOs pursuant to these guidelines to conduct liaison with the news media.

Accordingly, such individuals must:

- Maintain close working relationships with OPA.

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- Coordinate all media relations with OPA.
- Keep NPO advised of any significant cases or programs that could result in national press or media attention at the earliest practicable time.
- Refer any media inquiries related to recent or breaking news or matters requiring immediate attention to NPO.
- Refer any media inquiries on long-term projects and any requests from authors or filmmakers to IPPAU.

2.4. Field Offices

2.4.1. Assistant Director in Charge (ADIC) or Special Agent in Charge (SAC)

The ADIC or SAC is responsible for overseeing and participating in media relations in his or her FO, including appointing or hiring an MC who reports directly to the ADIC or SAC, as well as a back-up MC and/or a supervisory senior resident agent (SSRA), as appropriate. The ADIC or SAC must give interviews to the media, hold press conferences, and make appropriate FO personnel available to the news media. The FO head must approve any memoranda of understanding (MOU), following OGC review, that are executed between the FBI and media outlets, such as those governing the authorized recording of FBI operations and related activities. The FO head must be involved in the MOU negotiations for live-action recording, must execute the MOUs once all parties are in agreement, and must oversee the approval process outlined in subsection 4.2.2. of this document.

2.4.2. Media Coordinators

All FBI FOs must have at least one MC, either professional staff or special agent (SA), who functions as a liaison for the FO and as an official spokesperson, coordinating media activities and information with his or her USAO(s), which exercises independent discretion as to investigative matters affecting its own districts. MCs should not be the sole spokesperson for the FO and, to the extent practical, should respond to requests for information by coordinating interviews with managers, SMEs, or case agents.

MCs must:

- Respond orally or in writing to inquiries from members of the media.
- Focus on proactive activities that highlight the priorities, mission, and accomplishments of the FBI.
- Build relationships with local media outlets and with other law enforcement MCs in their area of responsibility (AOR).
- Provide materials such as speeches and talking points to assist the ADICs or SACs with press events and other public affairs efforts.
- Coordinate press conferences.
- Draft press releases.

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- Update press releases and other information on their public-facing FO Web sites and, if applicable, on their OPA-approved Twitter account.
- Work with the media in crisis and emergency situations.
- Coordinate national or significant media matters with NPO.
- Coordinate investigative publicity matters through IPPAU.
- Coordinate all interaction with authors, publishers, documentary productions, television, motion picture, and other entertainment industries through IPPAU.
- Coordinate with the community outreach specialist (COS) to publicize community programs. (See *Community Outreach in Field Offices Corporate Policy Directive and Policy Implementation Guide* [DPG], 0575DPG.)
- Brief new SAs on how to interact with the media.
- Brief new professional staff on the FBI media policy in the event that they have contact with members of the media.
- Ensure that the provisions in MOUs for media ride-alongs are followed by the production companies. This responsibility cannot be delegated to a squad supervisor or any other employee.

2.5. All Federal Bureau of Investigation Employees

All employees must have an understanding of the FBI's media relations program and its guidelines, as contained in this policy. Employees must immediately contact NPO or their FO MC if contacted by any member of the traditional or nontraditional media about FBI matters and refer the media to NPO or the applicable FO MC. Additionally, employees must inform NPO or the FO MC when there is an issue, a situation, or an event with the potential to generate significant media coverage. FBI employees may contact NPO via the main telephone line or e-mail address. (See Appendix C, "Contact Information," of this PG.)

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3. Policies

3.1. Authorization of Federal Bureau of Investigation Personnel to Make and Coordinate Disclosures and Information Releases to the Media

At FBIHQ, the Director, deputy director (DD), associate deputy director (ADD), AD for OPA, and OPA personnel designated by the AD are authorized to speak to the media. FBI executives, including executive assistant directors (EAD), ADs, deputy assistant directors (DAD), and SCs are authorized to speak to the media and must do so in coordination with OPA at FBIHQ. Other FBIHQ personnel, such as managers and SMEs, must only speak to the media at OPA's request or following coordination with, and approval by, OPA at FBIHQ.

In an FO, only the ADIC or SAC, assistant special agent in charge (ASAC), and the designated MC or other personnel specifically authorized by the head of office may communicate with the media on behalf of the FBI. On particularly sensitive issues or stories that may garner national attention, media contact must be coordinated with OPA at FBIHQ. Other FBI FO personnel, such as managers and SMEs, may communicate with the media at the request of the SAC, ASAC, or MC or following coordination with, and approval by, the SAC, ASAC, or MC.

Legal attachés (LEGAT) are authorized to speak to the media, but each request for media contact must be evaluated and considered by the LEGAT in coordination with the chief of mission and OPA. No media interviews or other cooperation with the media should go forward without a representative of the embassy present. OPA must coordinate with the International Operations Division (IOD) and any other applicable FBIHQ division for any additional consideration on behalf of the LEGAT.

Across the FBI, employees interested in planning national publicity campaigns or PSA initiatives must first coordinate with OPA at FBIHQ.

Across the FBI, if there is any doubt regarding a disclosure (see Appendix D, "Definitions and Acronyms," of this PG) to (or any interaction with) the media, the contents of the disclosure must be coordinated with OPA or the MC and with the FO's chief division counsel (CDC) or OGC, as applicable. In all cases, employee contacts with the media that are not authorized and not part of the employee's official duties are governed by FD-291, "FBI Employment Agreement."

OPA must consult with OGC's Litigation Branch on proposed media contacts that involve FBI personnel policies or that may impact proposed or pending litigation.

3.2. The Federal Bureau of Investigation's Open Stance with the Media

Authorized FBI personnel must be as responsive as appropriate to inquiries and requests made by media representatives within the bounds of applicable law and policy. Other than by reason of a court order, the FBI must not interfere with efforts to photograph, tape, record, or televise events that take place in public. This may include, for example, taking pictures of a sealed crime scene from outside the sealed perimeter (the perimeter must be no larger than absolutely necessary for operational needs) or recording other activities engaged in by FBI personnel.

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3.3. Constraints on the Sharing of Information with Media Outlets

All releases of information by public affairs specialists, MCs, and any FBI personnel (see Appendix D, "Definitions and Acronyms," of this PG) authorized to speak to the media must conform with all applicable laws and regulations, as well as policies issued by DOJ, as itemized in Section 5, "Summary of Legal Authorities," of this PG.

All releases of information must be fair, accurate, and sensitive to the rights of defendants. The criteria of fairness, accuracy, and sensitivity to the rights of defendants, as well as to the public's right to know, must prevail in all dealings with the news media. (See subsection 4.2.3, "Freedom of the Press," of the *Domestic Investigations and Operations Guide* [DIOG], 0667DPG.)

Releases of information involving juveniles must not contain personally identifiable information (PII). Title 18 United States Code (U.S.C.) Section (§) 5038(e), the Federal Juvenile Delinquency Act, as amended, provides in part, "Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding." The Department has advised that a news release concerning the arrest of a juvenile would not violate any restrictions of the act so long as it contains no identifying information. (See DIOG subsection 19.12.2[H].)

All FBI personnel authorized to release information must comply with Privacy Act provisions. The Privacy Act of 1974 (5 U.S.C. § 552(a)) prohibits the FBI from disclosing PII about an individual without his or her written consent or, in the case of a juvenile, the consent of a parent or a legal guardian, unless disclosure is authorized by an exemption or an exception contained in the Privacy Act. One such exception authorizes the disclosure of information pursuant to a published routine use so long as the disclosure is compatible with the purpose for which the information was collected. The FBI has published in the *Federal Register* one or more routine uses authorizing the disclosure of information subject to the Privacy Act. Blanket Routine Use (BRU) 3, Appropriate Disclosures to the Public, published at 66 *Federal Register* 33559 (June 22, 2001), authorizes the FBI to disclose information "To the news media or members of the general public in furtherance of a legitimate law enforcement or public safety function as determined by the FBI, e.g., to assist in locating fugitives; to provide notifications of arrests; to provide alerts, assessments, or similar information on potential threats to life, health, or property; or to keep the public appropriately informed of other law enforcement or FBI matters or other matters of legitimate public interest where disclosure could not reasonably be expected to constitute an unwarranted invasion of personal privacy."

The Privacy Act also requires agencies to maintain an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person and the agency to whom the disclosure was made. This accounting must be retained for five years or the life of the record, whichever is longer. All disclosures of PII must be documented. When PII is disclosed for the purposes as stated in the paragraph above, the information is documented in 80-HQ-C1144322, Investigative Publicity Matters. The disclosure may also be referenced in 80-HQ-C1702378, NA - Ten Most Wanted Fugitive Matters, or 80-HQ-C1353047, Most Wanted Terrorists Program - Most Wanted Terrorists Program.

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3.4. Content of Disclosures

Disclosures must not prejudice an adjudicative proceeding and, except as indicated below, must not address an ongoing investigation.

Disclosures must not be erroneous, deceptive, or misleading. Any facts disseminated to the media must be validated to the extent practicable.

Material posted to an Internet Web site, a social media page, or a publicly-available mobile software application can reach audiences worldwide and must be given the same scrutiny and vetting that would typically be afforded a written statement to the press. Such releases are governed by the same legal and policy framework as other releases of information to the press (see Section 5, "Summary of Legal Authorities" of this PG) and the same restrictions regarding disclosures and requirements to coordinate with the USAO and/or OPA apply.

In some instances, it is permissible to [redacted] but only with the prior approval of FBIHQ entities (OGC and operational FBIHQ divisions, as appropriate, coordinated by OPA) and under the careful supervision of OPA. This does not include the release of any classified information, which is governed by Safeguarding Classified National Security Information Corporate Policy Directive and Policy Implementation Guide, 0632DPG.

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For example, it may be permissible to [redacted] to assure the public that an investigation is in progress.

- It may be permissible to [redacted] to protect the public interest, welfare, or safety.

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- It may be permissible to [redacted]
[redacted] In an FO, these releases must be approved by both the MC and the applicable USAO. At FBIHQ, these releases must be approved by both OPA and DOJ Office of Public Affairs (DOJ-OPA), and, if applicable, any relevant operational FBIHQ divisions.

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4. Procedures and Processes

4.1. Administration and Management of Media Relations

4.1.1. Office of Public Affairs and the Department of Justice

OPA interacts closely with DOJ-OPA, and its operations are governed by DOJ-OPA's instructions, located at Title 28 Code of Federal Regulations (CFR) § 50.2, and by the *United States Attorneys' Manual* [USAM], Title 1-7.000, "Media Relations."

4.1.2. "The Horizon"

MCs must submit to NPO any activities and matters that could potentially draw or are drawing significant media attention in their area of operations. The inclusion of such activities or matters in "The Horizon" is at the discretion of the MC.

NPO must compile and publish these activities each business day in "The Horizon" report and disseminate the report to internal audiences, including all MCs and FBI senior leadership. NPO must maintain records of "The Horizon" in 80-HQ-A1199962-HORIZON in Sentinel.

4.1.3. Biannual Reports

NPO must review and use biannual reports from every FO's MC to program manage the media relations program across FOs. The MC in each FO must submit these biannual reports by the designated deadline to NPO. NPO must maintain records of these biannual reports in 80-HQ-A1199962-FO MED REP in Sentinel.

4.1.4. Waivers and Releases

Producers and publishers occasionally ask FBI personnel who participate in television, film, or book projects on behalf of the FBI to sign releases, waivers, or other written agreements. Through the use of releases, waivers, and other agreements (e.g., "life rights contracts"), production companies may attempt to secure authorization to use recorded material, including an employee's interviews, statements, likeness, and biographical data, in connection with a particular project, or limit the employee's or FBI's ability to share the story with other media outlets. Such documents often contain provisions rendering them legally objectionable or otherwise inappropriate for an FBI employee to sign.

Accordingly, employees participating in media projects in their official capacity must not sign releases, waivers, or other types of agreements provided by a producing or publishing entity. OPA has developed standard authorization letters that can be tailored to fit individual projects, which are maintained in 80-HQ-1077659, Public Affairs Matters Documentaries Television Movies. FBI employees or their FO MCs, on their behalf, must contact IPPAU to coordinate a review of the request for releases or other agreements and to prepare an appropriate authorization letter. FBI personnel asked to participate in television, film, or book projects for personal reasons and on personal time, unconnected to their FBI affiliation, must consult with the Office of Integrity and Compliance (OIC) since this may constitute outside employment and thus require OIC's review and approval.

FBI personnel who speak to a non-FBI audience or who participate as a panelist at a non-FBI conference, seminar, or other event in which the public or media have access, may also be asked

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to sign a release, waiver, or other written agreement authorizing publicity, promotion, or sharing of information related to that event. Those personnel must advise OPA of the participation and must consult with OGC and OIC to ensure that legal and ethical considerations are addressed.

4.1.5. Office of Public Affairs and Media Coordinator Teleconferences

OPA must hold monthly teleconferences with MCs in FOs to discuss specific issues and matters of timely interest. Depending on the topic, OPA may invite the FO community outreach specialists to participate in the teleconferences.

4.1.6. Public Affairs Guidance

NPO will determine when a media issue warrants a PAG. NPO will issue PAG on significant and/or emerging issues for appropriate dissemination. MCs are permitted to use the language in PAGs as preapproved statements that can be offered in response to a media inquiry.

NPO must draft a PAG by coordinating information with the appropriate substantive FBIHQ division(s) to establish appropriate responses. NPO must also obtain approvals from the appropriate FBIHQ division(s), OPA executives, and, as required, DOJ-OPA. NPO must e-mail the PAG to all MCs and upload it to the SharePoint site, Media Representatives Learning Community.

4.1.7. Federal Bureau of Investigation Social Media Accounts

All employees authorized to use FBI social media accounts must abide by federal privacy, accessibility, and recordkeeping laws.

Employees using the FBI social media accounts must not share or "retweet" non-FBI information without first obtaining approval from the NPO UC (or the acting designee).

4.1.8. Press Releases

NPO must draft press releases of executive appointments of SACs, ADs and above in coordination with the selectee.

NPO must consult with DOJ-OPA regarding any national press releases about pending cases or investigations that may result in an indictment.

IPPAU must approve and coordinate any press releases or other public disclosures regarding soliciting public assistance for the Ten Most Wanted Fugitives program, Most Wanted Terrorists program, and other fugitive, missing person, unknown bank robbers, and cold cases.

4.1.8.1. Single Office Local Press Releases

MCs must obtain their SAC's approval before publishing and disseminating press releases. If a press release involves cases or investigations that may result in an indictment, MCs must also obtain the approval of the relevant USAO. If a press release involves significant or particularly sensitive issues or stories that may garner national attention, MCs must consult with NPO to determine if OPA's and the substantive FBIHQ division's approval is necessary.

MCs must use a uniform format for press releases, write them with both the media and public in mind, and simultaneously disseminate the press release by e-mail to media outlets and FIOU to post on <www.fbi.gov>.

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MCs must e-mail FIOU any press release issued by the relevant USAO on FBI operational matters as quickly as possible for posting on <www.fbi.gov>.

When the FO's ADIC or SAC decides to issue a national press release locally, MCs must not expand on the content without the approval of both the substantive FBIHQ division and OPA.

MCs do not need prior approval from NPO to issue press releases regarding noninvestigative matters, such as community outreach initiatives, employee award announcements, PSAs, transfers of FO executives, and other administrative matters.

4.1.8.2. Multioffice Local Press Releases

In the event that a wide-ranging investigation requires close coordination and simultaneous press releases to the media by two or more FOs, MCs must consult OPA before issuing a press release. OPA may opt to release the information as a national press release. In joint or multidistrict cases, the approving official must consult with the other districts or FOs affected. (See the USAM, Title 1-7.400, for more information.)

4.1.8.3. Recordkeeping of Press Releases

Each FO must maintain a control file containing all press releases issued by the FO. Press releases concerning investigative matters must be also filed in the investigative case file noting the time and date the release was made and where it was released.

NPO must file FBIHQ press releases into 80-HQ-A1199962-PR.

4.1.9. Press Conferences

NPO must request approval to hold a press conference in advance from DOJ-OPA for any case or investigation that may result in an indictment. NPO must coordinate with DOJ-OPA on any materials, quotes, or information to be released in the press conference.

MCs in FOs must request approval in advance for press conferences from their SAC and, for issues relating to federal investigations and/or prosecutions, the applicable USAO. If a press conference involves significant or particularly sensitive issues or stories that may garner national attention, MCs must consult with NPO to determine if OPA's and the substantive FBIHQ division's approval is necessary.

Local press conferences about pending cases or investigations that may result in an indictment must be approved by the appropriate assistant Attorney General (AAG) or by the United States attorney (USA) responsible for the case. In joint or multidistrict cases, the approving official must consult with the other districts or FOs affected. (See the USAM, Title 1-7.401, for more information.)

NPO and MCs hosting press conferences must:

- Choose the time, location, and physical layout to accommodate spokespersons and the news media.
- Alert the media to the event by distributing a media advisory or inviting them to attend via e-mail, phone, or other form of communication.

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- Create and provide press releases, media packets, and/or other materials to attendees before the press conference begins.
- Explain the ground rules at the onset of the press conference, such as whether the event is on or off the record and whether cameras are permitted.
- Introduce the names and titles of the FBI officials who will speak and take reporters' questions.
- Write and/or coordinate the public statements by the speakers.
- Close the press conference when its preset time is reached or when questions taper off.
- Address follow-up media inquiries as needed.

4.1.10. Pen-and-Pad Briefings

NPO must coordinate pen-and-pad briefings (informal, on-the-record briefings to press regulars) with any FBIHQ entity that may be a relevant stakeholder. If the pen-and-pad briefing will address ongoing investigations that may result in an indictment, NPO must consult with DOJ-OPA in advance.

NPO must:

- Issue a media advisory announcing the pen-and-pad briefing by e-mail, as appropriate.
- Secure room and security access for invited members of the media.
- Identify and schedule the briefer from the appropriate FBIHQ division.
- Escort attending media to and from the briefing location, at the scheduled times.

4.2. Media Inquiries and Requests

4.2.1. Media Inquiries

When NPO staff or MCs receive media inquiries, they must:

- Respond to media inquiries within the shortest possible time frame.
- Provide responses that are factual, courteous, and helpful.
- Not address hypothetical questions nor express personal opinions.
- Never ask or suggest that a journalist withhold information from the public without the concurrence of the substantive FBIHQ division and OPA.

NPO staff members may refer media requests to an FO, as appropriate.

MCs must:

- Coordinate all media contacts with the USAO on any matters that might affect that office, including any federal investigations and/or prosecutions.
- Advise NPO immediately of any media contacts that could result in national media attention.

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- Refer to NPO any inquiries related to recent or breaking news or that require a short turnaround time.

All other FBI employees must immediately contact their FO MC or NPO if contacted by any member of the traditional or nontraditional media about FBI matters.

4.2.2. Recording of Live-Action Federal Bureau of Investigation Operations

In an effort to mitigate the legal and operational risks of filming live-action FBI operations (also known as media ride-alongs), the following rules must be followed:

- MCs must direct all requests for media ride-alongs to IPPAU for coordination. The media recording of live FBI events should be approved in rare instances and should not become the norm.
- If IPPAU approves the request in concept, IPPAU and the FO, including the FO's CDC, must collaboratively negotiate an MOU that will be executed between the FBI and the production company and/or media outlet. A standard model MOU was created and approved by OGC and can be found in Appendix B of this PG. The MOU must ensure that the applicable statutes, regulations, and guidelines pertaining to the filming of law enforcement activities are followed. The MOU is an important vehicle for formally communicating to the production companies the legal limitations and requirements placed on the FBI, as well as the many considerations relevant to the FBI's mission as a law enforcement agency.
- MCs, by virtue of their responsibility for media relations within their FOs, must be present for all filming activities and must ensure that the parameters set forth within the MOU are followed by the production companies. This responsibility must not be delegated to a squad supervisor or any other employee.
- Production company employees and others acting on behalf of the company must sign appropriate liability acknowledgements and nondisclosure agreements. All MOUs, nondisclosure agreements, and liability agreements must be maintained in 80-HQ-1077659 and the relevant investigative file. Examples of the MOU and nondisclosure agreements can be found in Appendix B of this PG.
- Production companies must agree to indemnify the FBI and hold it harmless for liabilities arising from the FBI's actions.
- OPA, in consultation with OGC, the substantive FBIHQ division, other affected FOs, and the participating FO's CDC must review and approve a production company's proposed video project, as well as the text of the MOU, prior to signature by any FBI official and any filming of FBI operations and related activities. The focus of the review must be whether the proposed project appears to be in the best interests of the FBI after considering the circumstances and attendant risks, and whether the MOU adequately addresses the risks.
- OPA must also ensure that the FBI has conducted the required coordination with DOJ-OPA in accordance with DOJ policy.

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- Production companies, their employees, and others acting on their behalf must comply with their obligations under these agreements. The FBI may enforce these agreements by requiring additional controls, limiting participation, terminating the agreement, or any other lawful means it determines to be appropriate. However, the involved FBI officials must understand that once a violation occurs, it may be difficult or impossible for the FBI to adequately remedy any harm done to FBI mission interests.
- The appropriate USAO must approve filming of any cases selected in accordance with the USAM.
- Filming must not be permitted in an area where an individual has, or may have, a reasonable expectation of privacy, such as within a residence or an enclosed yard, even if the FBI has obtained consent to enter the area. Production company personnel are not permitted to accompany FBI personnel into such locations.
- Law enforcement personnel must not reenact a law enforcement action for the purpose of creating footage for a production company.
- Production companies must not film FBI personnel or disclose their identities in a production without the employees' consent. The responsible FO must verify and document such consent. The FBI may provide a letter to a production company authorizing use of the footage and identification of specified employees. FBI personnel may not sign releases or waivers without prior consultation with, and written approval by, OGC.
- The FBI must always guard the privacy of victims and witnesses. (See *The Attorney General Guidelines for Victim and Witness Assistance*, Article II(C), pp. 3-4, "Privacy and Confidentiality Considerations for Victims and Witnesses," and Article V(J), pp. 47-48, "Right to Fairness and Respect for Dignity and Privacy.") To ensure "best efforts" to protect the dignity and privacy of victims and witnesses, the FBI must alert the relevant production personnel as soon as practical whenever FBI personnel are aware that there is a reasonable likelihood of encountering a victim or a witness in a given situation. The production personnel, in turn, must agree to make their best efforts not to film victims or witnesses whenever it receives such notice from the FBI.
- If a production company uses film of an arrested individual in a production, IPPAU must provide a written consent form to the individual, including an acknowledgement that nothing has been given or promised to him or her in return for consent. IPPAU must retain the original, signed consent form, with a second original copy routed to the USAO.
- A production company must provide DOJ and the FBI an opportunity to review the final production before it is publicly screened. This check is to ensure that legally protected or sensitive investigative information is not disclosed and that the requirements of the signed agreement are followed.
- A production company must agree to provide, without the necessity of a subpoena or other legal order, a copy of the entire unedited film to DOJ or the FBI, the prosecution, defense, or court if requested by DOJ or the FBI.

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- A production company must not publicly screen footage until after the case is fully adjudicated.

4.2.3. Handling Requests from Television Series, Movies, Documentaries, Radio, or Authors for Federal Bureau of Investigation Assistance

MCs must direct all requests from authors or the entertainment industry for FBI assistance and cooperation to IPPAU.

Once IPPAU receives a detailed description of the type of assistance or cooperation needed in writing, including a detailed treatment or a script in the case of movie industry requests, an IPPAU staff member must evaluate the quality, scope, and viability of each project.

If IPPAU approves the request in concept, IPPAU must prepare a communication to the substantive FBIHQ division and/or FO with a recommendation on the level of support the FBI will offer, as well as a request for input and concurrence from either the FBIHQ division or FO. In some instances, the substantive FBIHQ division or FO may have knowledge of the case or issue that would preclude participation in the project at a given time. Support can include guidance on content, assistance with props and costumes, interviews with SMEs, and/or assistance in identifying supporting material.

If all relevant parties approve cooperation with the requestor, IPPAU must coordinate the execution of the request with the appropriate entities.

IPPAU must direct authors to submit a Freedom of Information Act (FOIA) request via <www.foia.fbi.gov> for access to or information from FBI investigative files.

4.2.4. Ongoing Liaison with Television Series Depicting the Federal Bureau of Investigation

IPPAU must coordinate all ongoing liaisons with television series depicting FBI personnel, investigations, and/or services.

All liaison activity must be approved by IPPAU, the substantive FBIHQ division, and any relevant FO head.

IPPAU supports and coordinates ongoing liaison with television writers and producers in an effort to ensure a more realistic portrayal of FBI investigations, operations, and personnel.

Once IPPAU receives a detailed description of the type of assistance or cooperation needed in writing from the writer, producer, or other production personnel, an IPPAU staff member must evaluate the quality, scope, and viability of each project. If IPPAU approves the request in concept, IPPAU must prepare a communication to the substantive FBIHQ division and/or FO with a recommendation on the level of support, as well as a request for input and concurrence.

If all relevant parties approve cooperation with the television production, IPPAU must coordinate the fulfillment of the request with the appropriate entity or SME. Support can include guidance on content, fact checks, assistance with costumes and props, liaison and coordination with FOs, coordination of location shots, access to FBI facilities for filming scenes, interviews with SMEs, and/or supporting film footage.

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IPPAU must direct television personnel to submit a FOIA request via <www.foia.fbi.gov> for access to or information from FBI investigative files.

4.3. Publicity and Proactive Campaigns

4.3.1. Managing Proactive Campaigns

IPPAU must create and coordinate national proactive program or investigative publicity campaigns.

MCs must contact IPPAU for guidance on proactive program communications efforts or investigative publicity with the local media. MCs must contact IPPAU at the idea stage to request concept approval, strategic guidance, and content review for local proactive program or investigative publicity campaigns.

IPPAU must ensure that all facets of a campaign comply with federal laws regulating the dissemination of information to the public and the receipt of gifts from prohibited sources. IPPAU will assist in the production and design of the campaign, assist with script writing, provide guidance on the nature and timing of the release, and help MCs navigate through the restrictions on endorsements by outside entities.

IPPAU may leverage the following elements for a national publicity campaign: press releases, television, radio, podcasts, newspapers, magazines, outreach to international and nontraditional media, PSAs, digital outdoor advertisements, print advertisements, Wanted posters, and social media.

4.3.2. Producing Radio Shows and Podcasts

IPPAU will leverage its FBI radio programs for proactive publicity purposes.

IPPAU must coordinate all requests and necessary approvals for program or investigative publicity via FBI radio programs.

4.3.3. Creating Public Service Announcements

IPPAU coordinates the creation of all PSAs, including the concept, design, content approval, and production to ensure consistent messaging and approval by all internal and external stakeholders. IPPAU must coordinate and seek approval from other federal entities, as applicable.

4.3.4. Fugitive Publicity

MCs must obtain approval from IPPAU for investigative publicity related to a fugitive, a missing person, or other active investigation.

MCs may draft press releases and other public disclosures designed to solicit public cooperation in the apprehension of FBI fugitives. MCs may include more facts about the fugitive's criminal background than are otherwise permissible in press releases and announcements regarding arrests or indictments.

MCs must avoid prejudicial statements in these public disclosures. These statements may include, but are not limited to, statements that brand a fugitive as guilty of a crime for which he or she has not been convicted or photographs that show arrest numbers or other data that identifies a subject's past arrest or imprisonment.

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MCs must send written requests for publicity related to a fugitive, a missing person, or other active investigation to IPPAU. For fugitive cases, MCs must provide the following information:

- A detailed summary of the case
- Descriptive information about the fugitive, including eye and hair color, height, weight, date and place of birth, scars, tattoos or other marks, medical problems, locations where the fugitive might travel, hobbies or habits, occupations, and any known aliases
- If the fugitive should be considered armed and dangerous
- Any rewards being offered by the FBI

MCs must also submit the following enclosures with the request:

- Any applicable state or federal warrants, including when, where, and in which judicial districts the state and federal warrants were issued. Sealed indictments and warrants must not be submitted.
- Photographs of the best possible quality and highest resolution must be submitted electronically or on a disk and must be in .jpg format. If available, MCs must provide the date(s) when the photographs were taken.
- Relevant videos, if available. Video is extremely beneficial in cases with potential coverage by media outlets.
- Certification that "all other law enforcement authorities involved with this investigation have been contacted and have no objections to the requested national/international publicity." This must include contact with the FBI Legat office and foreign authorities, as appropriate.

IPPAU must obtain the concurrence of the applicable operational FBIHQ division for the investigative publicity.

After receipt of the appropriate documentation, IPPAU must consult with the case agent and MC to determine the most impactful avenues of publicity. At a minimum, IPPAU must create a Wanted poster for posting on <www.fbi.gov> and the affected FO's Intranet site. IPPAU may also suggest pitching the case to national and international media outlets, creating a podcast or a radio show, using digital billboard publicity, and/or engaging with the public via social media.

The case agent, in coordination with the MC, must approve all materials created by IPPAU prior to publication on <www.fbi.gov> or on the FO's Intranet site or prior to dissemination to the media.

4.4. Crisis Situations

4.4.1. Crisis Planning

FOs' and OPA's crisis response plans (CRP) must include an outline of how OPA or the FO will deal with the media during the course of a crisis, including specific potential situations, agreed allocation of personnel and financial resources to handle media requests, and planned coordination with federal, state, and local agencies.

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FOs' and OPA's Continuity of Operations Plans (COOP) must include guidance on media relations issues.

MCs must develop professional relationships with other federal, state, and local law enforcement public information officers to develop strategies and protocols in responding to the news media in joint law enforcement operations or in a crisis event. MCs may also proactively meet public information officers in local military, academic, and/or private sector environments, as appropriate.

MCs must foster healthy relationships with reporters to build trust and to ensure that reporters are aware of the dangers of speculation about tactical situations. MCs must encourage reporters to confine reports to facts released by authorized law enforcement officials in such situations.

4.4.2. During Crises

MCs must train SAs on situational awareness in fast-moving situations. SAs are authorized to identify themselves as "an SA of the FBI," identify their FO, state the general nature of the operation (e.g., "we are here to serve an arrest warrant"), and refer further media questions to the MC or management. In an emergency situation, SAs are permitted to call media questions directly in to the SAC or ASAC and may relay the answers in that SAC's or ASAC's name.

In major crisis situations, MCs must:

- Coordinate the establishment of a broadcast area for the news media near the incident but apart from a regular law enforcement perimeter and apart from any victim services staging area.
- Establish a joint information center, if practical, to consolidate the flow of information between local, state, and other federal agencies.
- Engage regularly with their SACs and other management.
- Participate in operational briefings to remain fully informed.
- Maintain regular communication with NPO.
- Request media not telephone or otherwise attempt to contact a hostage taker or a hostage.
- Request media to advise law enforcement of any calls received from hostage takers or hostages and to not publish those conversations without advice and approval of an on-scene commander and hostage negotiators, via the MC.
- Request media to limit live broadcasting with no close-ups of locations of tactical personnel during the course of the incident.
- Request that media not identify groups claiming responsibility for the incident.

4.4.2.1. On-Site Assistance

NPO may provide on-site assistance for major media events involving the FBI, as appropriate and as resources allow, with the concurrence of the AD of OPA and the FO head. On-site NPO personnel will assist the local MC and FO head and will function as a liaison with relevant individuals at FBIHQ. NPO may assist the MC with:

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- Shaping a media strategy.
- Working with on-scene members of the media.
- Staffing a 24/7 command post such as a joint operations center or a joint information center.
- Liaising with state and local law enforcement.
- Liaising with relevant individuals at FBIHQ.
- Liaising with other on-scene federal agencies.

4.4.2.2. Off-Site Assistance

NPO must also provide off-site assistance as the FBI's external public communications center during a major incident or a crisis by managing the dissemination of all FBI public information. NPO's responsibilities during a major incident may include:

- Preparing written statements for the press.
- Monitoring news and social media coverage.
- Responding to incoming press inquiries.
- Gathering Q&As from SMEs and executives.
- Providing briefing materials to senior executives.

NPO must also function as the primary liaison between all interested parties during a major media event. NPO must:

- Coordinate information with other OPA units, as appropriate, and provide briefs as needed to OPA leadership.
- Coordinate with senior FBI executives at FBIHQ.
- Coordinate with the FO in whose AOR the incident occurred.
- Maintain an open line of communication between FBIHQ and the FO, including with any on-site personnel.
- Coordinate with the White House, DOJ, and other federal or national-level partners.

If appropriate, NPO will establish a presence in the Strategic Information and Operations Center (SIOC) command post to liaise with operational FBIHQ divisions.

4.5. Training

4.5.1. Training for Internal Audiences

NPO must provide training to key internal groups, including, but not limited to, any new Senior Executive Service (SES) employees, on their roles and responsibilities with regard to media guidelines and policies.

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IPPAU must provide training to employees within FOs on effectively using investigative publicity to assist with cases and to all employees on their responsibility to report requests to OPA for any media research assistance from any traditional or nontraditional media sources.

MCs must brief new SAs, intelligence analysts (IA), and professional staff on media matters when they arrive in an FO. On an annual basis, they must brief the FO population on the FBI's media policy, as stated herein, in the event that employees are contacted by members of the media. MCs must also train FO personnel selected for media exposure on handling press interviews.

Any records on training that OPA provides should be retained in 1Y-HQ-1702408.

4.5.2. Training for External Audiences

NPO must review and evaluate requests for public affairs trainings and exercises to domestic and international intelligence agencies, law enforcement agencies, and community groups and deliver any approved training, with the following exceptions:

- If the training falls under the purview of the National Academy Unit (NAU), then TD is responsible for reviewing the request and delivering any approved training.
- If the requestor is a foreign law enforcement entity, the request should first be submitted to IOD, who must evaluate the training request and, if approved, forward the request to NPO to deliver the training.
- If MCs receive local requests, they must evaluate the requests and must provide any approved training. MCs may contact NPO for advice and resources to assist in any such training.

Any records on training that OPA provides must be retained in 1Y-HQ-1702408.

4.6. Special Circumstances

4.6.1. Investigations Involving Members of the Media

Investigations of members of the news media are considered sensitive investigative matters (SIM) and are governed by special provisions in the DIOG, including, but not limited to:

- Subsection 6.10, "Sensitive Investigative Matters (SIM) in Preliminary Investigations"
- Subsection 7.10, "Sensitive Investigative Matters (SIM) in Full Investigations"
- Subsection 8.8, "Sensitive Investigative Matters (SIM) in Enterprise Investigations"
- Subsection 9.10, "Sensitive Investigative Matters (SIM) in a Full Positive Foreign Intelligence Investigation"
- Subsection 10.1, "Sensitive Investigative Matters (SIM)"
- Subsection 16.2.3.5, "Sensitive Undisclosed Participation"
- Subsection 18.5.6.4.8, "Members of the News Media"
- Subsection 18.6.4.3.4.3, "Members of the News Media"

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- Subsection 18.6.5.3.5.1, "Members of the News Media"
- Subsection 18.6.6.3.7.4, "Contact with Members of the News Media by a [REDACTED] [REDACTED]" b7E
- Subsection 18.6.8.4.2, "Compelled Disclosure"
- Subsection 18.7.2.6, "Standards for Use and Approval Requirements for Sensitive Title IIIs"
- Subsection 19.10, "Arrest of News Media Members"
- Appendix G.7, "Sensitive Investigative Matters"
- Appendix G.12, "National Security Letters for Telephone Toll Records of Members of the News Media or News Organizations"

4.6.2. Financial Institution Investigations

In financial institution investigations, MCs or any other FO personnel must not disclose the amount of money or property involved without prior concurrence from the Criminal Investigative Division (CID) and OPA.

4.6.3. Special Agent-Involved Shootings

MCs must not identify nor verify the names of SAs involved in shooting incidents in the performance of duty. If the names of SAs involved in shooting incidents have been made public through inclusion in public records or disclosures at public proceedings, SACs may verify the SAs' identities in response to inquiries by members of the media.

4.6.4. Threats Against Human Life

In order to protect the safety of victims, MCs must not disclose any information regarding kidnap-for-ransom cases or other crimes that involve a threat against human life without the approval of the applicable investigative FBIHQ division and OPA.

4.6.5. Overseas Incidents

FOs must coordinate media responses with NPO if the victims, suspects, or other individuals thought to be related to an overseas incident are from the FO's AOR.

4.6.6. Hot Pursuit

In hot pursuit fugitive cases, SACs have discretion to approve radio and television broadcasts without advance approval from OPA. As soon as possible, MCs must coordinate these cases with NPO.

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5. Summary of Legal Authorities

- 28 CFR § 50.2, Release of information by personnel of the Department of Justice relating to criminal and civil proceedings
- *United States Attorneys' Manual*, Title 1-7.000, "Media Relations."
- *The Attorney General Guidelines for Victim and Witness Assistance*, Article II(C), pp. 3-4, "Privacy and Confidentiality Considerations for Victims and Witnesses"
- *The Attorney General Guidelines for Victim and Witness Assistance*, Article V(J), pp. 47-48, "Right to Fairness and Respect for Dignity and Privacy"
- 18 U.S.C. § 5038(e), The Federal Juvenile Delinquency Act
- Privacy Act of 1974 (5 U.S.C. § 552(a))
- 18 U.S.C. § 3052, Powers of Federal Bureau of Investigation
- 18 U.S.C. § 3107, Service of warrants and seizures by Federal Bureau of Investigation
- 28 CFR § 0.85, General functions [of the FBI Director]

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6. Recordkeeping Requirements

The Privacy Act also requires agencies to maintain an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person and the agency to whom the disclosure was made and to retain this accounting for five years or the life of the record, whichever is longer. All disclosures of PII must be documented. When PII is disclosed for the purposes as stated in the paragraph above, the information is documented in 80-HQ-C1144322, Investigative Publicity Matters. The disclosure may also be referenced in 80-HQ-C1702378, NA - Ten Most Wanted Fugitive Matters, or 80-HQ-C1353047, Most Wanted Terrorists Program – Most Wanted Terrorists Program.

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Appendix A: Final Approvals

POLICY TITLE: <i>Media Relations at FBIHQ and in Field Offices Policy Guide</i>	
Primary Strategic Objective	P10-Enhance trust and confidence in the FBI.
Publish Date	2015-10-13
Effective Date	2015-10-13
Review Date	2018-10-13
REFERENCES	
<u>PD 0664D, Office of Public Affairs Statement of Authorities and Responsibilities</u>	
<u>Social Media and Other Electronic Information Sharing Technologies Policy Directive and Policy Guide, 0579DPG</u>	
<u>PD 0672D, Creating and Maintaining FBI Public Websites and FBI Web Presences on the Internet</u>	
APPROVALS	
Sponsoring Executive Approval	Michael P. Kortan Assistant Director Office of Public Affairs
Final Approval	Mark F. Giuliano Deputy Director Director's Office

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Appendix B: Additional Information for Media Ride-Alongs

This appendix contains a sample MOU and a sample liability agreement to be used for the recording of live-action FBI operations.

Sample Agreement With a Media Production Company

Note: Any substantial deviation from the language provided below must be fully justified. Before execution, the agreement must be reviewed by the CDC (if applicable), OGC, and FBI's OPA. It may only be signed for the FBI by the responsible FBIHQ division head (i.e., AD) or FO head (i.e., ADIC or SAC) after receiving the approval of the FBI's OPA and OGC.

CONTAINS ATTORNEY PRIVILEGED /

PRE-DECISIONAL INFORMATION

AGREEMENT

BETWEEN

THE FEDERAL BUREAU OF INVESTIGATION

AND

[PRODUCTION COMPANY]

AND

[NETWORK]

[Production Company] ("PRODUCTION COMPANY") has asked the Federal Bureau of Investigation ("FBI") for approval to accompany personnel from the FBI's [DIVISION] on a variety of law enforcement activities and to film all or a portion of such activities for use as part of a documentary program regarding [identify topic, crime type, etc.] ("DOCUMENTARY") for broadcast by [Network] ("NETWORK"). As used herein, "film" includes any recording whatsoever, whether of audio or video.

[Identify and briefly describe Production Company and Network – e.g. official corporate name, state of incorporation, nature of business etc. as applicable]

The FBI enters into this agreement pursuant to its authorities in 28 U.S.C. Section 533 and 28 CFR Section 0.85 [Insert other authorities if appropriate]. The parties understand that the FBI is bound by 28 CFR Section 50.2, and will not provide information or filming assistance that violates this regulation. The FBI agrees to support this project in an effort to increase public awareness and understanding of the issues and FBI missions related to [describe crime problem and any other FBI objectives in the project (e.g. a recent uptick in violent crime in a particular geographic region, a specific type of cyber crime, etc.)].

In recognition of PRODUCTION COMPANY's request and the applicable law, regulations, and rules pertaining to Department of Justice assistance to the media, the parties to this agreement understand that the following parameters will guide the filming and production of the DOCUMENTARY:

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1. The parties understand that the Assistant Director, Office of Public Affairs has final authority for the FBI to grant or deny requests from PRODUCTION COMPANY to film specific law enforcement activities. Such requests will be coordinated with the Division signing this agreement, as well as the FBI General Counsel, other affected divisions at FBI Headquarters, and the Department of Justice.
2. The responsible United States Attorney's Office(s) must provide prior written approval for any case(s) selected for filming. If a case selected for filming involves the participation of state and/or local law enforcement authorities, their prior approval must also be obtained.
3. PRODUCTION COMPANY may not film an area in which an individual may have a reasonable expectation of privacy, such as in the interior of a residence or an enclosed yard. All filming must be of activity occurring in a place open to the public or plainly in public view. PRODUCTION COMPANY will not enter, or allow any member of the film/production crew to enter any individual's home or other non-public areas that law enforcement personnel may enter to accomplish an arrest, search, interview, or any other case-related activity.
4. During any filming of FBI activities pursuant to this agreement, PRODUCTION COMPANY will immediately comply with requests or direction from FBI officials, such as to cease filming or to depart from an area.
5. The DOCUMENTARY shall not reveal the name of any suspect, defendant, witness or bystander, nor display their faces. Digital or other means should be used to hide faces as well as to conceal license plates in any televised or otherwise publicly screened, broadcast, or exhibited version of the DOCUMENTARY.
6. FBI personnel will not re-enact any law enforcement activity. FBI personnel will not conduct any type of "perp walk" for the purpose of filming. This means that FBI personnel may not intentionally create, for the benefit of PRODUCTION COMPANY, an opportunity to film the defendant(s) after arrest.
7. [Choose one of the following provisions to address filming of victims. The preference of the local USAO must be considered in making this determination. However, even where the USAO does not insist on an absolute prohibition against filming victims, the agreement proponent should still consider other relevant factors such as the type of crime issues involved, age of victims, any particularly sensitive privacy issues, etc. in evaluating whether any contact between PRODUCTION COMPANY and victims is appropriate.]
 - a. PRODUCTION COMPANY shall not film any crime victim without the individual's express written consent, and advance authorization from the FBI.
 - b. PRODUCTION COMPANY shall not film any crime victim.
8. PRODUCTION COMPANY, NETWORK, and any other party in interest shall provide, without the necessity of a subpoena or other order, a copy of the entire

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unedited film to the Department of Justice or the FBI, the prosecution, defense counsel, or court upon request made by the Department of Justice or the FBI.

9. Notwithstanding any of the foregoing provisions, both the PRODUCTION COMPANY and the FBI/USAO must obtain an original release from an arrested individual before footage pertaining to the individual may be televised or otherwise publicly screened, broadcast, or exhibited. Each original release must contain the following language:

"I understand that my agreement to be included in the [Production Company] documentary about the Federal Bureau of Investigation is completely voluntary. I have not received, and was not promised, any right or benefit, substantive or procedural, by any officer, employee, agent, or other associated personnel of the United States Government in return for my agreement to be included in the documentary."

10. PRODUCTION COMPANY and NETWORK, and their respective employees, contractors, servants, and agents, must not disclose any law enforcement or case-related information provided by the FBI, or obtained as a result of FBI participation in the documentary, including any image or other information identifying any crime suspect, victim, or third party, unless expressly authorized by the FBI. Before filming begins, PRODUCTION COMPANY and NETWORK will require all employees, contractors, servants, and agents of PRODUCTION COMPANY and NETWORK who work on the DOCUMENTARY to sign a non-disclosure agreement provided by the FBI, and will provide copies of such agreements to the FBI upon request. As appropriate, the FBI will provide a separate written permission for PRODUCTION COMPANY or NETWORK to use footage of FBI law enforcement activities and interviews, as well as to use the FBI Seal or other insignia as set dressing.
11. Neither the finished DOCUMENTARY nor any portion thereof, including raw footage, may be televised or otherwise publicly exhibited until final review by the FBI in conjunction with the relevant United States Attorney's Office(s). PRODUCTION COMPANY and NETWORK shall not televise or otherwise publicly exhibit footage to which the FBI or relevant United States Attorney's Office(s) objects.
12. Further, neither the finished DOCUMENTARY nor any portion thereof, including raw footage, may be televised or otherwise publicly exhibited until the final disposition of the case approved for filming with respect to all potential defendants in the case, as determined by the FBI. For cases prosecuted in Federal Court, final disposition shall be determined by the prosecuting United States Attorney's Office.
13. PRODUCTION COMPANY and NETWORK agree that all employees, personnel, contractors, and agents of PRODUCTION COMPANY and NETWORK who participate in the filming and/or production of the DOCUMENTARY must sign a

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separate Release and Acknowledgement of Risk provided by the FBI, prior to such participation.

14. PRODUCTION COMPANY and NETWORK acknowledge that they and their employees are voluntarily participating in the filming of FBI law enforcement activities with full knowledge and awareness that there is inherent risk in such activities, including but not limited to risk inherent in the potential use of force and the potential pursuit and physical apprehension of a criminal subject. [Optional: add any other substantial known risk particular to investigation, if applicable.] With such knowledge and awareness, PRODUCTION COMPANY and NETWORK hereby assume such risk with respect to any personal injury or damage to personal property which may occur directly or indirectly as a result of the participation of their personnel, agents, contractors or employees in such filming.
15. To the extent permitted by law, PRODUCTION COMPANY and NETWORK, their respective employees, servants, and agents, and their heirs and assigns, hereby agree to hold harmless, release, discharge, and indemnify the United States, the FBI, and their personnel, agents and employees, from any and all claims, demands, causes of action, and damages should any be found, which may result or arise from the acts or omissions of PRODUCTION COMPANY and NETWORK, their employees, servants, or agents, while participating in the filming and/or production of a documentary program concerning FBI law enforcement operations. PRODUCTION COMPANY and NETWORK shall maintain sufficient insurance coverage for such liability or indemnification.
16. This agreement is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather, is a basic statement of the terms to which the parties mutually agree concerning the activities described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this agreement. Expenditures by each party will be subject to its own budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the language in this agreement in no way implies that funds will be made available for such expenditures.
17. Any notice required to be given pursuant to this agreement shall be in writing and mailed by certified or registered mail, return receipt requested, or delivered by a national overnight express service, as follows:

To: Federal Bureau of Investigation

Attn: [ADIC/SAC]

[ADDRESS]

To: [PRODUCTION COMPANY]

[ADDRESS]

[CITY/STATE]

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[CITY/STATE]

To: [NETWORK]
[ADDRESS]
[CITY/STATE]

18. This agreement constitutes the entire understanding of the parties and revokes and supersedes any prior agreements between the parties. It shall not be modified or amended except in writing signed by the parties hereto and specifically referring to this agreement.
19. This agreement is effective as of the date signed by the parties below, and will remain in effect until terminated. Any party may terminate this agreement at any time. Such termination must be in writing, and the terminating party will endeavor to provide 30 days notice of termination to the other parties. In the event of termination of this agreement, all responsibilities regarding any recorded material as outlined herein remain in effect.
20. The undersigned representatives of Production Company and Network warrant that they possess authority to bind Production Company and Network to their obligations in this agreement.

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[NAME]
[TITLE]
[PRODUCTION COMPANY]

[NAME]
[TITLE]
[NETWORK]

[NAME]
[AD, ADIC, or SAC]
FBI, [DIVISION] Division

[NAME]
Assistant Director
FBI, Office of Public Affairs

[NAME and TITLE]
[USAO-1]

[NAME and TITLE]
[USAO-2]

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Sample Acknowledgment to be Signed by Production Company Employees and Representatives

RELEASE AND ACKNOWLEDGMENT OF RISK

I, _____, hereby acknowledge that I have chosen to voluntarily participate in the filming and/or production of a documentary regarding law enforcement activities engaged in by employees of the Federal Bureau of Investigation (FBI), _____ Division, with full knowledge and awareness that there is inherent risk in such activities, including but not limited to risk inherent in the potential use of force and potential pursuit and physical apprehension of a criminal suspect. [Optional: add any other substantial known risk particular to investigation, if applicable.] With such knowledge and awareness, I hereby assume such risk with respect to any injury to my person or property which may occur directly or indirectly as a result of my participation in such filming and/or production.

I hereby assume full responsibility for any personal injury or damage to my personal property or to others which may occur directly or indirectly as a result of my acts or omissions while participating in the filming and/or production of the documentary.

To the extent permitted by law, I, along with my heirs and assigns, hereby agree to hold harmless, release, discharge, and indemnify the United States, the FBI, and the personnel, agents, and employees thereof, from any and all claims, demands, causes of action, and damages should any be found, resulting or arising from my acts or omissions while participating in the filming and/or production of the documentary.

Signature of Participant

Date

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Appendix C: Contact Information

Office of Public Affairs	202-324-5352
National Press Office	(202) 324-3691 <div></div>
Investigative Publicity and Public Affairs Unit	<div></div> public.affairs@ic.fbi.gov
Address	J. Edgar Hoover Building 935 Pennsylvania Avenue, NW Washington, DC 20535

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Appendix D: Definitions and Acronyms

Definitions:

Disclosure: any release of information to a media outlet, whether made in person, over the telephone, via e-mail, instant message, social media, Web site, or otherwise

FBI personnel: individuals who are directly employed by the FBI or who are associated with it in the capacity of detailees, contractors, interns, or task force officers (TFO) and members

Media: any person, organization, or entity (other than the federal, state, local, tribal, and territorial governments) primarily engaged in the collection, production, or dissemination of information to the public in any form, which includes print, broadcast, film, and the Internet

Acronyms:

AAG	assistant Attorney General
AD	assistant director
ADD	associate deputy director
ADIC	assistant director in charge
AOR	area of responsibility
ASAC	assistant special agent in charge
BRU	blanket routine use
CDC	chief division counsel
CFR	Code of Federal Regulations
CID	Criminal Investigative Division
CJIS	Criminal Justice Information Services Division
COOP	continuity of operations plan
COS	community outreach specialist
CRP	crisis response plan
CRU	Community Relations Unit
DAD	deputy assistant directors

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DD	deputy director
DHS	Department of Homeland Security
DIOG	<i>Domestic Investigations and Operations Guide</i>
DOJ	Department of Justice
DOJ-OPA	Department of Justice Office of Public Affairs
DPG	directive and policy guide
DPO	division policy officer
EAD	executive assistant directors
ECU	Employee Communications Unit
ESECU	Executive Staff and Education Center Unit
EWU	Executive Writing Unit
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FIOU	FBI.gov and Internet Operations Unit
FO	field office
FOIA	Freedom of Information Act
IA	intelligence analyst
IOD	International Operations Division
IPPAU	Investigative Publicity and Public Affairs Unit
LD	Laboratory Division
LEGAT	legal attaché
MC	media coordinator
MIOG	<i>Manual of Investigative Operations and Guidelines</i>

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MOU	memorandum of understanding
NAU	National Academy Unit
NPO	National Press Office
NSB	National Security Branch
OCA	Office of Congressional Affairs
ODNI	Office of the Director of National Intelligence
OGA	other government agency
OGC	Office of the General Counsel
OIC	Office of Integrity and Compliance
OPA	Office of Public Affairs
PAG	public affairs guidance
PD	policy directive
PG	policy guide
PII	personally identifiable information
POC	point of contact
PSA	public service announcement
Q&A	question and answer
SA	special agent
SAC	special agent in charge
SC	section chief
SES	Senior Executive Service
SIM	sensitive investigative matter
SIOC	Strategic Information and Operations Center

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SME	subject matter expert
SSRA	supervisory senior resident agent
TD	Training Division
TFO	task force officer
UC	unit chief
USA	United States attorney
USAM	<i>United States Attorneys' Manual</i>
USAO	United States Attorney's Office
U.S.C.	United States Code